IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WP(C).No. 24505 of 2006(P)

PETITIONER:

C.P.KUNHUNNI,
RETIRED L.P.S.A., CHUNGATH PALOTTIL,
PALODE P.O., MANNARKKAD TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
SECRETARY TO GOVERNMENT,
GENERAL EDUCATION (B) DEPARTMENT,
THIRUVANANTHAPURAM.

ADDITIONAL RESPONDENTS

2. **MANAGER**
AIDED BASIC LOWER PRIMARY SCHOOL
TRIPALAMUNDA
PARASSERY (P.O.), KONGAD (VIA)
PALAKKAD DISTRICT.

Addl. R2 is impleaded vide order dated 30-10-06 in I.A.No.15142/06

3. **N.V.LAL**
S/O N.V.GOPALAKRISHNAN
HIMA, SREEKRISHNAPURAM
PALAKKAD DISTRICT

Addl. R3 is impleaded vide order dated 11-12-06 in I.A.No. 17271 of 2006

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.M.P.ASHOK KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE G.O.(P)NO.840/2005/GEN.EDN. DTD. 26-2-05**
EXT.P2	**TRUE COPY OF THE INTERIM ORDER DATED 18-3-05 IN W.P.C.NO.9002/05 OF THIS COURT.**
EXT.P3	**TRUE COPY OF THE JUDGMENT DATED 15-10-05 IN W.P.C.NO.9002/05 OF THIS COURT.**
EXT.P4	**TRUE COPY OF THE G.O.(RT)NO.1300/2006/GEN.EDN. DATED 27-3-06**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No. 24505 OF 2006

Dated this the 11th day of December,2006.

JUDGMENT

Complaint of the petitioner is directed against Ext.P4. Petitioner had approached this court earlier culminating in Ext.P3 judgment. In Ext.P3 judgment this court directed as follows:

> " EXt.P6 Government Order in W.P.C.No.9002/05 is approved. The Government will pass separate orders regarding the regularisation of the period during which Mr.Kunjunni was kept out of service after hearing Mr.Kunjunni, the manager, Mr.Lal as well as the concerned departmental authorities".

2. One of the complaints raised by the petitioner against Ext.P4 is that he was not heard contrary to the direction of this court. Of course, petitioner has other contentions also. It would appear from Ext.P4 that petitioner was not heard .

3. In such circumstances, I feel that Ext.P4 cannot be sustained. Accordingly, Ext.P4 is quashed for the only reason that petitioner was not heard. I leave open all the other contentions of the petitioner. The first respondent will hear the petitioner, supplemental respondents 2 and 3 and the concerned departmental authorities as directed in Ext.P3 and take a decision in accordance with law within a period of two months from the date of production of a copy of this judgment.

Writ petition is disposed of in the above terms.

K.M.JOSEPH.
JUDGE.

sv.